GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – CT Department - Surprise Check conducted over the Integrated Check Post, Purushothtapuram, Itchapuram Mandal, Srikakulam District on 27.11.2015 – Certain irregularities noticed – Common Disciplinary Proceedings initiated – Articles of charges against Sri G. Atcha Rao, Proh. & Excise Sub-Inspector, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991– Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.1026 **Dated:11.10.2019**

Read the following:-

Ref:- 1. From the DG, ACB,Lr.No.161/RCO-VSK/2015,dt:08-01-2018.
2. Govt.Memo No.17023/2/2018-Vig.II-2, Dated:28-03-2018.
3. From the DG, ACB, AP, Vijaywada, Lr Rc.No. 161/RCO-VSK/2015, dated: 3.07.2019.
4. G.O.Ms No.428, Revenue (Vig.II) Dept, dated:11.10.2019.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri G.Atcha Rao, Prohibition & Excise Sub-Inspector, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri G.Atcha Rao, Prohibition & Excise Sub-Inspector, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri G. Atcha Rao, Prohibition & Excise Sub-Inspector, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri G.Atcha Rao, Prohibition & Excise Sub-Inspector, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct)

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Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri G. Atcha Rao, Proh.&Excise Sub-Inspector, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District (w.e, Annexures-I to IV) **through** the Commissioner of Prohibition & Excise, Excise Complex, RS-88-2B, Sai Vihar Apartments, Poultry Forum Road, Prasadampadu (v), Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Commissioner of Prohibition & Excise, Excise Complex, RS-88-2B, Sai Vihar Apartments, Poultry Forum Road, Prasadampadu (v), Vijayawada.

The Revenue (Vigilance.IV) Department.

SF / SC.

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SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI G.ATCHA RAO, AGE 57 YRS, PROHIBITION & EXCISE SUB INSPECTOR, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ITCHAPURAM MANDAL, SRIKAKULAM DISTRICT.

That Sri G.Atcha Rao, Prohibition & Excise Sub-Inspector at Integrated Check Post, Purushottapuram joined in Government Service on 22.12.1986 as Prohibition & Excise Constable and later promoted as Prohibition & Excise Head Constable on 11.12.1996 and Further he was promoted as Prohibition & Excise Sub-Inspector on 06.12.2011 and he was transferred and posted at Office of Administrative Officer, Integrated Check Post, Itchapuram and worked there from 24.10.2015 to 27.11.2015 i.e. date of surprise check while working as Prohibition & Excise Sub-Inspector, Integrated Check Post, Purushottapuram, Itchapuram (M), he has committed grave mis-conduct in as much as.

CHARGE:-

That Sri G.Atcha Rao, while working as Prohibition & Excise Sub-Inspector at Integrated Check Post, Purushottapuram was found absent for duty at the time of surprise check from 2000 hrs on 27.11.2015 to 0130 hrs on 28.11.2015 though he was supposed to be on duty from 09.00 AM to 09.00 PM on 27.11.2015 in the check post and violated Rule 4(i) of APCS (Conduct) Rules, 1964.

Thus Sri G. Atcha Rao, Prohibition & Excise Sub Inspector by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SRI G.ATCHA RAO, AGE 57 YRS, PROHIBITION & EXCISE SUB INSPECTOR, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ITCHAPURAM MANDAL, SRIKAKULAM DISTRICT.

Sri G.Atcha Rao, Prohibition & Excise Sub Inspector at Integrated Check Post, Purushottapuram is native of Visakhapatnam. His date of birth is 01.07.1961. He joined in Government Service on 22.12.1986 as Prohibition & Excise Constable and then he was promoted as Prohibition & Excise Head Constable on 11.12.1996 and further he promoted as Prohibition & Excise Sub-Inspector on 06.12.2011 and he was transferred and posted at Office of Administrative Officer, Integrated Check Post, Itchapuram and worked there from 24.10.2015. He is drawing basic pay of Rs.42,490/- and he attains the age of superannuation on 30.06.2021. He is here-in-after called as Government Servant.

That on receipt of credible information that the employees of the Integrated Check Post, Itchapuram, Srikakulam were indulging in corrupt practices and habitually collecting illegal gratifications directly and also through unauthorized agents (private persons) by abusing their official positions from the crew members/ owners of the vehicles, passing through the check-post, without conducting physical verification of the vehicles, connected records of the goods being transported and vehicles and thereby causing pecuniary advantage for themselves and pecuniary loss to the Government exchequer. The Deputy Superintendent of Police and staff along with mediators left the Anti Corruption Bureau office in vehicles and reached the Integrated Check Post, Itchapuram and watched the happenings at the respective counters for five minutes and organized a surprise check on the Integrated Check Post, Itchapuram in the presence of mediators by the Deputy Superintendent of Police with the assistance of other officers, staff of Anti Corruption Bureau and staff of Armed Reserve Force of Srikakulam from 2000 Hrs on 27.11.2015 to 01.30 Hrs on 28.11.2015 and the mediators prepared the proceedings.

During the proceedings, the Deputy Superintendent of Police deployed their staff at all counters and requested the mediators to watch the happenings in the counters to know how the bribe amounts are being collected in the check post. The surprise check party noticed that some persons are collecting mamools from the crew members and owners of the vehicles on behalf of the employees of the check post at the counters of commercial taxes Department and Agricultural Market Committee of Integrated Check post and apprehended the eight private persons, when they tried to escape from the aforesaid counters and seized an amount of Rs.26,230/- from their possession and examined them and recorded their statements in the presence of mediators. During the proceedings, the Deputy Superintendent of Police and his staff thoroughly checked the office premises and noticed number of small wads of currency notes of Rs.6160/-on the computer table besides the computer in the server room. The Deputy Superintendent of Police enquired with the employees of the commercial Taxes Department about the cash found at the server room, they kept quiet. Further the Deputy Superintendent of Police secured the presence of drivers and examined them and recorded their statements and the seized the records for enquiry purpose.

As prima-fade evidence emerged in this case against a number of Government servants and private persons, a case in Crime No.11/RCO-ACB/SKL/2015 U/Ss 13(1) (d) and r/w 13(2) of Prevention of Corruption Act, 1988 and Sections 120(B) and 109 IPC r/w. 34 IPC was registered on 28.11.2015 at 1615 hrs against five Government officials and eight Private persons and investigated into.

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That during the proceedings, at the request of the Deputy Superintendent of Police, the Assistant Commercial Tax Officer Sri P.Venkateswara Rao produced the duty charts of the employees of all the departments of the check post. The Deputy Superintendent of Police seized the duty charts containing 7 sheets for the month of November, 2015. During the course of investigation, the Administrative Officer of the Check post informed that initially he had prepared the duty charts for 3 Sub-Inspectors of Prohibition & Excise Department but only two Sub-Inspectors of Prohibition & Excise Department reported for duty at check post. Hence, a revised duty chart was prepared for the month of November for two Sub Inspectors of Prohibition & Excise Department and the revised duty chart was handed over vide his letter Rc.No.17/2015 HC dated 31.12.2015. On verification of the revised duty chart, it was found that Sri G. Atchata Rao, Prohibition & Excise Sub-inspector and Sri G.T. Mohan, Prohibition & Excise Sub-inspector was working in the check post and Sri Srinivasa Reddy, Sub Inspector, Prohibition & Excise, was not working in the check post. On the date of surprise check, Sri G.Atchata Rao, Prohibition & Excise Sub-inspector had to be on duty from 09.00 AM to 09.00 PM on 27.11.2015 and Sri G.T.Mohan, Prohibition & Excise Sub-inspector had to be on duty from 09.00 PM on 27.11.2015 to 09.00 AM on 28.11.2015. But they did not attend to duty on that day.

During enquiry, as per the duty chart, the Government Servant was found absent for duty without any prior permission from competent authority.

When observed the Prohibition & Excise counter, the counter was found locked from outside and no one is present at the counter, but the stamp and stamp pad are kept at the counter and the vehicle drivers/cleaners are themselves stamping their records.

Hence the Government Servant was found absent for duty at the time of surprise check from 2000 hrs on 27.11.2015 to 0130 hrs on 28.11.2015 though he was supposed to be on duty from 09.00 AM to 09.00 PM on 27.11.2015 in the check post and violated Rule 4(i) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus the Government Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular departmental action for major penalty.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-III

LIST OF RECORDS

1.	FIR along with occurrence report
2.	Original Surprise Check Proceedings from 2000 hrs on 27.11.2015 to 0130 hrs on 28.11.2015 drafted at Integrated Check Post, Purushottapuram, Itchapuram of Srikakulam District.
3.	Duty Register of staff, ICP, Itchapuram
4.	Duty charts of Employees.
5.	Statement of Sri L. Chinnam naidu, PC 486, ACB, Srikakulam Range u/S 161 Cr.P.C.
6.	Letters R.C.No.17/2015 HC, dated 31.12.2015 and R.C.No.17/2015 HC, dated 16.03.2016 of AO, ICP, Itchapuram.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES

1.	Sri Velamala Yogeswara Rao, S/o. Arjuna Rao, age 29 years, Asst. Executive Engineer, R&B Special Section-II, Special Sub Division, Srikakulam, R/o Challavanipeta, Jalumuru Mandal, Srikakulam Dist.
2.	Sri Gorribanda Yerra Rao, S/o Rama Rao, Senior Asst, R&B Special Section II, Special Sub Division, Srikakulam, R/o LIG-II, APHB Colony, Near Collector Bungalow, Srikakulam District.
3.	Sri P. Venkateswara Rao, ACTO, Commercial Taxes Dept, 0/o the Integrated Check post, Itchapuram, Srikakulam.
4.	Sri C. Venkata Narayana Reddy, CTO, Administrative officer, Integrated check post, Itchapuram, Srikakulam
5.	Sri L.Chinnam Naidu, PC 486, ACB, Srikakulam Range.
6.	Sri K. Rangaraju, DSP, ACB, Srikakulam.
7.	Sri P. Srinivasarao, Inspector of Police, Anti Corruption Bureau, Srikakulam.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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